

CLERK'S OFFICE U.S. DIST. COURT  
AT LYNCHBURG, VA  
FILED  
3/3/2022  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
(Lynchburg Division)**

**MISTY ZVOLENSKY  
2401 Cobbs Street  
Lynchburg, VA 24501**

**Plaintiff,**

**v.**

**AARON'S, LLC  
f/k/a/ AARON'S, INC.  
400 Galleria Pkwy SE, Suite 300  
Atlanta, GA 30339**

**and**

**JOHN DOE**

**Defendants.**

**Case No.:** 6:22CV00009

**NOTICE OF AND PETITION FOR REMOVAL**

Petitioners/Defendants, AARON'S, LLC f/k/a AARON'S, INC., (hereinafter, "Defendants"), by counsel, and pursuant to 28 U.S.C. §1441 *et. seq.*, hereby file this Notice of and Petition for Removal of this action from the Circuit Court for the City of Lynchburg, Virginia, in which it is now pending, to the United States District Court for the Western District of Virginia, and in support thereof, respectfully aver as follows:

1. Defendants have been named as the defendants in a suit filed in the Circuit Court for the City of Lynchburg, Virginia, Case No.: CL22000047-00. Suit was initially filed on January 21, 2022. Plaintiff elected to serve Defendant Aaron's LLC (f/k/a Aaron's, Inc.) via its registered agent on or about February 3, 2022.

2. Defendants timely filed their responsive pleadings with the Circuit Court for Smyth County on February 23, 2022.

3. The above-entitled action is one in which this Court has original jurisdiction pursuant to Title 28 U.S.C. §1332. Defendants seek to remove this action to this Court under Title 28 U.S.C. §1441(a).

4. Copies of the Summons and Complaint and of Defendants' responsive pleading as filed in the Circuit Court for the City of Lynchburg, Virginia are attached as **Exhibit 1** and **Exhibit 2**, respectively.

5. The above-entitled matter is a civil action in which the Plaintiff purports to allege negligence and resulting injuries and damages in connection with some apparent act and/or omission by Defendants in connection with "rental inventory" or "store equipment."

6. Defendants are entitled to removal because there is complete diversity of citizenship between Plaintiff and Defendants and the amount in controversy exceeds \$75,000.

7. Plaintiff's Complaint seeks damages of \$500,000.

8. Plaintiff is a citizen of the State of Virginia.

9. Defendant Aaron's, LLC f/k/a Aaron's, Inc. is a Georgia, LLC with its sole managing member being The Aaron's Company, Inc., a corporation organized and existing under the laws of Georgia, with its corporate headquarters located in Atlanta, Georgia.

10. Although Plaintiff also has named a "John Doe," defendant, "the citizenship of defendants sued under fictitious names shall be disregarded" for removal purposes. 28 U.S.C. § 1441(b)(1).

11. Because complete diversity exists between the parties and the amount in controversy is satisfied, this Court has jurisdiction and Defendants are entitled to removal.

WHEREFORE, Petitioners/Defendants, AARON'S, LLC f/k/a AARON'S, INC respectfully request that the above-entitled action be removed from the Circuit Court for the City of Lynchburg, Virginia to the United States District Court for the Western District of Virginia.

Respectfully submitted this 3<sup>rd</sup> day of March, 2022.

AARON'S, LLC f/k/a  
AARON'S, INC.

By Counsel

/s/\_\_\_\_\_  
Lindsey A. Lewis, Esq., Va. Bar #73141  
llewis@fandpnet.com  
FRANKLIN & PROKOPIK, P.C.  
5516 Falmouth Street, Suite 203  
Richmond, VA 23230  
Telephone: (804) 932-1996  
Facsimile: (804) 403-6007

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> day of March, 2022, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which (if counsel has registered with CM/ECF) will then send a notification of such filing (NEF) to the following:

Joseph A. Sanzone, Esq.  
valaw@sanzoneandbaker.com  
Sanzone & Baker, PC  
1106 Commerce St.  
PO Box 1078  
*Counsel for Plaintiff*

/s/\_\_\_\_\_  
Lindsey A. Lewis